

Absent—Excused

Dies	Weinert
Hazlewood	Wood
Moore	

House Bill 501 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 501, A bill to be entitled "An Act making it unlawful to hunt deer with dogs in Morris County; providing penalties; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 501 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 501 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Fuller	Ratliff
Hudson	

Absent—Excused

Dies	Weinert
Hazlewood	Wood
Moore	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Martin
Baker	Moffett
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Absent

Fuller	Ratliff
Hudson	

Absent—Excused

Dies	Weinert
Hazlewood	Wood
Moore	

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 18, To the Committee on State Affairs.

Adjournment

On motion of Senator Hardeman the Senate at 11:23 o'clock a.m. adjourned until 10:30 o'clock a.m. on Tuesday, March 31, 1959.

Record of Votes

Senators Herring, Rogers, Willis, Phillips, Moffett, Martin, Reagan, Secrest, Crump and Colson asked to be recorded as voting "Nay" on the Motion to Adjourn.

FORTY-FIRST DAY

(Tuesday, March 31, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Dies
Baker	Fly
Bradshaw	Fuller
Colson	Gonzales
Crump	Hardeman

Hazlewood	Parkhouse
Herring	Phillips
Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Moore	Willis
Owen	Wood

Absent—Excused

Weinert

A quorum was announced present.

Reverend Felix R. Kindel, Pastor of the Cochran Chapel Methodist Church of Dallas, offered the invocation as follows:

"All Mighty God, Our Father in Heaven, from the high places designed by men, still we look up as we approach Thy Throne of Grace. Even in such company, still we need Thy blessing and help.

"We thank Thee for our rich heritage, religious, educational, and political. We thank Thee for leadership of State, who welcome Thy divine guidance. We pray Thy rich blessings upon these, their families and loved ones, and upon our great State. In Thy Name, we humbly ask, Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 26, 1959, was dispensed with and the Journal was approved.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Kazen.

Senate Bill 415 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bradshaw
Baker	Colson

Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Willis
Martin	Wood

Absent—Excused

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 415, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the Forty-sixth Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the Fifty-first Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the Fifty-fourth Legislature (1955), page 532, so as to authorize the Lower Colorado River Authority to issue bonds in the total amount of One Hundred Twenty Million Dollars (\$120,000,000); re-enacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Resolution 267

Senator Lane offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 15 Government Seniors from Comfort High School, Comfort, Kendall County, Texas, accompanied by Mr. H. E. Bergner, Principal; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

WEINERT
LANE

The resolution was read and was adopted.

Senator Lane by unanimous consent presented the students and their principal to the Members of the Senate.

Senate Resolution 268

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Reverend and Mrs. Felix R. Kindel and daughter Aquilla Ann of Dallas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privilege of the floor.

HARDEMAN
PARKHOUSE

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Bill 416 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Roberts:

S. B. No. 416, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, of the Constitution, to be known as the 'Grayson County Water and Sewer Authority,' for the purpose of providing or acquiring a source or sources of water supply for domestic and industrial uses and processing, transporting and distributing the same and for the purpose of providing or acquiring a sanitary sewer system; providing for a board of directors to govern said authority; pro-

viding for the annexation of additional territory thereto; authorizing the authority to do all things to make available for the above-named uses underground water or water from surface sources and water it may obtain by purchase, lease, and operation of contracts with persons, firms, corporations and public agencies or the United States Government or any of its agencies; empowering the authority to acquire land and construct, lease or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting and distributing water for the above-named purposes; authorizing the authority to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provision for the payment and security thereof; making applicable to the authority Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the authority to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the authority shall bear the expense of relocation, raising, or re-routing of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the authority; enacting other provisions relating to the subject; providing that nothing in this Act shall be interpreted to repeal or amend Article 7471, Revised Civil Statutes of Texas; providing for severability; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 417 on First Reading

Senator Dies moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Fuller
Baker	Gonzales
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson
Fly	Kazen

Krueger	Ratliff
Lane	Reagan
Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Willis
Phillips	Wood

Absent—Excused

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Dies and Smith:

S. B. No. 417, A bill to be entitled "An Act amending Chapter 476, Acts of the 52nd Legislature, Regular Session, 1951, to provide that any vacancy on the Game and Fish Commission shall be filled by the appointment of a resident of one of nine regions, herein established, which region, at the time of the appointment, is not represented on the Commission; repealing laws in conflict; and declaring an emergency."

To the Committee on State Affairs.

(President in the Chair.)

Co-author of Senate Bill 417

Senator Smith asked unanimous consent to be shown as co-author of S. B. No. 417.

There was no objection offered.

Senate Resolution 269

Senator Roberts offered the following resolution:

Whereas, The Austin College Choir of Sherman, Texas, is recognized throughout the entire United States of America as being one of the outstanding musical organizations of its kind; and

Whereas, The Austin College Choir will be in Austin, Texas, on Thursday, April 16, 1959; and

Whereas, The Senate of Texas wishes to recognize their achievements, and would be honored by their presence on this date; now, therefore, be it

Resolved, by the Senate of the State of Texas, That an invitation be extended to this outstanding choir to perform for a short period of time on this date.

The resolution was read and was adopted.

Senate Bill 418 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent—Excused

Weinert

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Gonzalez:

S. B. No. 418, A bill to be entitled "An Act defining private trade and correspondence schools; requiring the licensing of such schools and solicitors therefor; establishing the requirements for obtaining such licenses; establishing application, license and renewal fees; providing for the administration of this Act and for the issuance of rules and regulations thereunder; authorizing the administrator to establish standards for such schools; requiring the schools and the solicitors to provide bond in the sum of \$2500.00 and \$500.00 respectively; providing for the revocation of licenses; providing for the refund of tuition fees; establishing a remedy for students defrauded; declaring the operation of a school herein defined, without a license, to be a misdemeanor punishable, upon conviction, by a fine of not less than \$100.00 nor more than \$500.00 for each day the

school so operates; providing an effective date, providing for severability, and declaring an emergency.' '

To the Committee on State Affairs.

Senate Joint Resolution 15 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

Nays—1

Hardeman

Absent—Excused

Weinert

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senator Gonzalez:

S. J. R. No. 15, Proposing amendments to Section 1-b, Article III, and Section 51, Article XVI, of the Constitution of the State of Texas so as to confer homestead rights upon unmarried persons and make them eligible for the Three Thousand Dollar (\$3,000) exemption from the assessed taxable values of residence homesteads.

To the Committee on Constitutional Amendments.

Committee to Escort Preston J. Moore, National Commander of The American Legion to Joint Session

The President announced the ap-

pointment of the following committee pursuant to the provisions of S. C. R. No. 13, to escort the National Commander of The American Legion to the Joint Session: Senators Fuller, Kazen, Phillips, Krueger and Moffett.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

S. C. R. No. 37, Requesting closing of State Offices on afternoon of Good Friday, March 27, 1959.

S. B. No. 88, A bill to be entitled "An Act amending Article 4518, Revised Civil Statutes of Texas, as amended, and relating to the accreditation of Schools of Nursing and Educational Programs, certification of Graduates, requirement of Registration, and Examination by the Board of Nurse Examiners, repealing Article 4518a, Revised Civil Statutes of Texas, providing for minimum qualifications and requirements for such nurses; repealing all laws and parts of laws in conflict herewith; providing for severability and providing the effective date of this Act."

S. B. No. 141, A bill to be entitled "An Act to amend Senate Bill No. 270, Chapter 53, Acts of the 50th Legislature of Texas, 1947, relating to a road system for Limestone County, Texas, so as to fix the county engineer's salary at an amount not to exceed Eight Thousand, Five Hundred (\$8,500.00) Dollars per annum; and declaring an emergency."

S. B. No. 143, A bill to be entitled "An Act to transfer the control and management of the Texas Memorial Museum to the Board of Regents of The University of Texas; repealing all laws or parts of laws in conflict; and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to improve the facilities of the Institute of Marine Science, Port Aransas, Texas, by constructing and equipping a Research Building and by acquiring by gift, purchase, or otherwise any or all of certain property at Port Aransas, Texas, for the purpose of dredging and maintaining dock facilities for University-owned

boats; providing method of financing; and declaring an emergency."

S. B. No. 269, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from County funds by Counties having a population of eight hundred thousand or more, according to the last preceding Federal Census, as compensation to District and Criminal District Judges in such Counties, providing the time and method of payment, authorizing amendment of the budget, providing for the compensation of substitute Judges, and declaring an emergency."

H. B. No. 475, Prohibiting fishing in waters of Murvaul Lake in Panola County, Texas, prior to a certain date; prohibiting any person or group of persons from camping on the shores of Marvaul Lake in Panola County, Texas, on any land owned by the Panola County Fresh Water Supply District No. 1, except at certain points or places; . . . etc.; and declaring an emergency.

H. B. No. 758, A bill to be entitled "An Act authorizing the remaining balance of the sum of Fifty Thousand (\$50,000.00) Dollars heretofore appropriated to the Governor's Office in item 26 of the appropriation to the Governor's Office in H. B. No. 133, Acts of the 55th Legislature, Regular Session, 1957, Chapter 385, and transferred to the Attorney General's appropriation by the provisions of S. B. 2, Acts of the 55th Legislature, Second Called Session, 1957, Chapter 8 to be expended for the purposes stated in items 25, 26, and 27 of the appropriation, etc., and declaring an emergency."

H. C. R. No. 46, Granting each House permission to adjourn from Wednesday, March 25, 1959, to Tuesday, March 31, 1959.

Senate Concurrent Resolution 44

Senator Martin offered the following resolution:

S. C. R. No. 44, Suspending Joint Rules to permit each House to consider certain Local and Uncontested Bills.

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Joint Rules

of both Houses be suspended and they are hereby suspended to allow the House to take up House bills and the Senate to take up Senate bills on Local and Uncontested Calendars only on Wednesday, April 1, 1959.

The resolution was read.

On motion of Senator Martin and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 158 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to engrossment:

S. B. No. 158, A bill to be entitled "An Act amending Article 20.10, Article 20.12, Article 20.16, and Article 20.19 of the Insurance Code, Acts 1951, 52nd Leg., ch. 491; relating to salaries and investment of funds; relating to the authority to contract; relating to membership certificates and other types of contracts; providing for a saving clause; providing for severability; and declaring an emergency."

The bill was read the second time.

Senator Owen offered the following amendment to the bill:

Amend S. B. 158, Section 2, by striking out the entire section and substituting in lieu thereof the following:

"Sec. 2. Article 20.12 of the Insurance Code, Acts 1951, 52nd Leg., ch. 491, is hereby amended so as to hereafter read as follows:

Art. 20.12. Prohibition Against Contracting for Medical Services.

Such corporations shall not contract to furnish to the member a physician or any medical services, nor shall said corporation contract to practice medicine in any manner, nor shall said corporation control or attempt to control the relations existing between said member and his or her physician, but said corporation shall confine its activities to rendering hospital service only through such type of hospitals with whom it has contracts, without restricting the right of the patient to obtain the services

of any licensed doctor of medicine. In addition, such corporations are hereby authorized to provide benefits for medical and/or surgical care on the basis of indemnity payments for expenses incurred."

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend S. B. 158, Section 3, by striking out the entire section and substituting in lieu thereof the following:

"Sec. 3. Article 20.16 of the Insurance Code, Acts 1951, 52nd Leg., ch. 491, is hereby amended so as to hereafter read as follows:

Art. 20.16. Membership Certificates.

Every such corporation shall issue to its members certificates of membership setting forth the benefits to which they are or may become entitled. Such certificates, and the contracts made between the corporation and the member's employer or group representative shall be in form approved by the State Board of Insurance."

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend S. B. 158, Section 4, by striking out the entire section and substituting in lieu thereof the following:

"Section 4. Article 20.19 of the Insurance Code, Acts 1951, 52nd Leg., ch. 491, is hereby amended so as to hereafter read as follows:

Art. 20.19. Participation Contracts; Reinsurance; Agreements.

Such corporations shall be authorized to contract with other organizations similar in character for joint participation through mutualization contract agreements, reinsurance treaties or otherwise and cede or accept risks from any insurance company or insurer upon the whole or any part of any risks, provided that such contract forms, documents, treaties or agreement forms are filed with and approved by the State Board of Insurance for such persons."

The amendment was adopted.

On motion of Senator Baker and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

Question—Shall S. B. No. 158 be passed to engrossment?

Motion to Recess

On motion of Senator Fuller and by unanimous consent the Senate agreed to stand recessed at the conclusion of the Joint Session until 2:00 o'clock p.m. today.

Joint Session

(To hear an address by the Honorable Preston J. Moore, National Commander of The American Legion.)

The President at 11:25 o'clock a.m. announced that pursuant to the provisions of S. C. R. No. 13 previously adopted by the Senate, that the time had arrived for the Joint Session to hear an address by the Honorable Preston J. Moore.

The Senators present escorted by the Sergeant-at-Arms of the Senate proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m.

The Senators were announced and were admitted and escorted to the seats prepared for them along the aisle.

The Presiding Officer (Senator Owen in the Chair) was invited to occupy a seat on the Speaker's Rostrum.

Mr. Moore and party were announced by the Doorkeeper of the House.

Mr. Moore's party, composed of Governor Price Daniel, Mr. Walter Janko, Departmental Commander, G. Ward Moody, Department Adjutant, and others, were escorted to the Speaker's Rostrum by Senators Fuller, Kazen, Phillips, Krueger and Moffett on the part of the Senate and Representatives Kilpatrick, Mays, Thurman, Matthew and Zbranek on the part of the House of Representatives.

The Presiding Officer (Senator Owen in the Chair) called the Senate to order and announced a quorum of the Senate present.

Hon. Waggoner Carr, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

The Speaker announced the purpose of the Joint Session and presented Walter Janko, State Commander, and he then presented the Honorable Preston J. Moore.

Mr. Moore then addressed the Joint Session.

The Speaker then presented Governor Daniel to the Joint Session. Governor Daniel presented Mr. Moore with a certificate making him an Honorary Citizen of the State of Texas.

Recess

The Presiding Officer (Senator Owen in the Chair) announced the purpose of the Joint Session concluded and declared the Senate recessed at 12:10 o'clock p.m. until 2:00 o'clock p.m. today in accordance with a motion previously adopted in the Senate.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Leave of Absence

Senator Secrest was granted leave of absence for the remainder of the day on account of death in his family on motion of Senator Herring.

Senate Bill 158 on Second Reading

The Senate resumed consideration of the pending business, same being S. B. No. 158 on its second reading and passage to engrossment.

Question—Shall S. B. No. 158 be passed to engrossment?

Senator Rogers offered the following amendment to the bill:

Amend S. B. No. 158 by adding after the period after the word "payments" and before the sentence beginning "Pro-" on line 31 of the printed bill the following sentence: "In no instance shall any paid officer or employee of said corporation receive more than Twenty Thousand Dollars (\$20,000.00) per annum for his services."

The amendment was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 158 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 158 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Baker	Martin
Colson	Moffett
Crump	Owen
Dies	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Smith
Krueger	Willis

Nays—2

Bradshaw	Rogers
----------	--------

Absent

Fly	Moore
Gonzalez	Wood
Hazlewood	

Absent—Excused

Secrest	Weinert
---------	---------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Bradshaw and Rogers asked to be recorded as voting "Nay" on the final passage of S. B. No. 158.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 31, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

S. C. R. No. 43, Inviting Senator Lyndon Johnson to address a Joint Session of the Legislature on April 6, 1959, at 11:00 A.M., etc.

S. C. R. No. 36, Inviting Honorable Ralph Yarborough to address a Joint Session at 11:00 A.M. on April 2, 1959.

S. C. R. No. 44, Suspending joint rules of Senate and House of Representatives of State of Texas to allow either house to take up and consider any bill on Wednesday, April 1, 1959.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 361 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 361, A bill to be entitled "An Act to amend Section 5 of Chapter 269 of the Acts of the Fifty-fifth Legislature by adding a new subsection Q to exempt from the regulation of the Securities Act private transactions of interests in oil, gas, and mineral leases, fees, titles, contracts, pooling and unitization agreements; providing severability; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 361 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hardeman
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fuller	Martin
Gonzalez	Moffett

Owen	Roberts
Parkhouse	Rogers
Phillips	Smith
Ratliff	Willis
Reagan	Wood

Absent

Fly	Moore
Hazlewood	

Absent—Excused

Secrest	Weinert
---------	---------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzales	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Willis
Krueger	Wood

Absent

Hazlewood

Absent—Excused

Secrest	Weinert
---------	---------

Senate Bill 19 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 19, A bill to be entitled "An Act prohibiting engaging in and attempting to engage in the business of buying, selling, exchanging, dealing or trading in motor vehicles on Sunday, imposing penalties for violation thereof, defining terms, providing for issuance of restraining orders and injunctions, containing a severability clause, repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend S. B. No. 19 by deleting all below the enacting clause and substitute the following:

Section 1. Any person who shall, on the first day of the week, commonly known and designated as Sunday,

(a) carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used Motor vehicles, or

(b) open any place of business or lot wherein or whereupon he then and there attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in motor vehicles, or

(c) who does on such day buy, sell, exchange, deal or trade in new or used motor vehicles as a business shall be guilty of a misdemeanor and upon conviction thereof for the first offense shall be fined in any sum not less than Two Hundred and One (\$201.00) Dollars and not more than Five Hundred Dollars (\$500.00), upon conviction thereof for the second and any subsequent offense shall be fined in any sum not less than Three Hundred (\$300.00) Dollars, and not more than Seven Hundred and Fifty (\$750.00) Dollars, or be imprisoned for a period of not more than thirty (30) days or both.

Sec. 2. The following definitions shall apply for the words or terms used in this Act unless other meaning is clearly apparent from the language or context.

"Motor Vehicles" means and includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"New motor vehicles" means only newly manufactured motor vehicles and includes but is not limited to motorcycles, trailers, trucks, passenger cars and tractors.

"Used motor vehicles" means every motor vehicle, title to, or possession of, which has been transferred from the person who first acquired it from the manufacturer or dealer and has been so used as to become or is commonly known as second hand within the ordinary meaning thereof, and includes every motor vehicle other than

a new motor vehicle, including but not limited to motorcycles, trailers, tractors, trucks and passenger cars.

"Person" includes natural persons, firms, partnerships, corporations, associations or other artificial bodies, trustees, receiver and officers, employees, agents, and others acting for or on behalf of any person.

Sec. 3. Upon having called to his attention by affidavit of any credible person that any person is violating any of the provisions of this Act, it shall be the duty of the Attorney General, or the district or county attorney in the county where such violation is affirmed to be occurring to institute appropriate proceedings to secure from any district court having jurisdiction thereof a restraining order and an injunction against such violation; and the district judge of such court shall have authority to issue a restraining order without hearing, and upon notice and hearing to issue an injunction, to prevent further violation by the person complained against. The petition of the Attorney General, district or county attorney, as the case may be, instituting such proceedings must be verified.

Sec. 4. If any Section or any part of any Section of this Act shall be held unconstitutional or invalid for any reason, the remainder of the Act shall, nevertheless, be in full force and effect.

Sec. 5. All laws and parts of laws heretofore enacted which are in conflict with this Act or any part of it are hereby repealed to the extent of such conflict.

Sec. 6. The fact that many persons engage and attempt to engage in the acts prohibited by this Act on Sunday and thereby unduly add to the hazards already attendant upon the operation of motor vehicles in this State on Sunday, the fact that the Legislature finds that engaging in and attempting to engage in the acts prohibited by this Act are inimical to the public welfare, safety and morals of the citizens of this State, and the fact that the present laws of this State do not provide adequate deterrent to doing and attempting to do such acts on Sunday create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three

several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

Senator Martin offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill 19 by adding a new section to be known as Section 1(d), to read as follows:

"Section 1(d). The provisions of this Act shall not apply to any person who conscientiously believes that the seventh or any other day of the week ought to be observed as the Sabbath and who actually refrains from business and labor on that day for religious reasons."

The amendment to the Committee Amendment was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment to the Committee Amendment.

Senator Crump offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 S. B. 19 by striking out all of Sec. 3 and renumbering the subsequent sections to conform.

The amendment was read.

Question on adoption of the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—17

Bradshaw	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen
Herring	Wood
Hudson	

Nays—11

Baker	Aikin
-------	-------

Colson	Roberts
Parkhouse	Rogers
Phillips	Smith
Ratliff	Willis
Reagan	

Absent

Hazlewood

Absent—Excused

Secrest

Weinert

Senator Owen offered the following amendment to the Committee Amendment:

Amend Committee Amendment S. B. No. 19 by deleting the following "new or used motor vehicles" in Sec. 1 (a), and substitute the following:

"Any business or commercial enterprise."

Amend Sec. 1(b) by deleting the words "motor vehicles" and substitute the following:

"Any commerce whatsoever except hospitals and pharmacies."

The amendment was read.

Senator Roberts moved to table the amendment by Senator Owen to the Committee Amendment.

Senator Parkhouse raised the point of order that the amendment by Senator Owen to the Committee Amendment was not germane to the bill under consideration.

The President sustained the point of order.

Senator Wood offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill 19 by adding a new section to be numbered 6:

"No publication shall offer or solicit offers for the sale of any motor vehicle on Sunday."

Further renumber other sections accordingly.

The amendment to the Committee Amendment was read.

Senator Parkhouse raised the point of order that the amendment by Senator Wood was not germane to the bill under consideration.

The President overruled the point of order.

Senator Parkhouse moved to table the amendment by Senator Wood to the Committee Amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—24

Aikin	Krueger
Baker	Lane
Colson	Martin
Crump	Moffett
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Willis

Nays—4

Bradshaw	Owen
Moore	Wood

Absent

Hazlewood

Absent—Excused

Secrest	Weinert
---------	---------

Senator Owen offered the following amendment to the Committee Amendment:

Amend Committee Amendment to S. B. No. 19 by adding a new section to be numbered Section 7 to read as follows:

"7. Provided however this act shall not apply to any motor vehicle used for farm, ranch or construction purposes."

The amendment was read.

On motion of Senator Parkhouse, the amendment to the Committee Amendment was tabled.

Senator Owen offered the following amendment to the Committee Amendment:

Amend Committee Amendment to S. B. No. 19 by adding a new subsection to Sec. 1 to be designated (d) and to read as follows:

"(d) Who shall purchase or negotiate to purchase, exchange or deal in a used or new motor vehicle."

The amendment was read.

Senator Parkhouse moved to table the amendment to the Committee Amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—23

Aikin	Lane
Baker	Martin
Colson	Moffett
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Nays—4

Bradshaw	Owen
Hardeman	Rogers

Absent

Hazlewood	Moore
-----------	-------

Absent—Excused

Secrest	Weinert
---------	---------

Senator Owen offered the following amendment to the Committee Amendment:

Amend Committee Amendment to S. B. No. 19 by adding a new section to be numbered Sec. 6 and to read as follows:

"6. This act shall not apply to dealers in farm and ranch machinery."

The amendment was read.

Senator Parkhouse moved to table the amendment by Senator Owen to the Committee Amendment.

Yeas and nays were demanded.

The amendment to the Committee Amendment was tabled by the following vote:

Yeas—14

Aikin	Dies
Baker	Fly
Colson	Fuller

Kazen	Phillips
Lane	Ratliff
Moffett	Roberts
Parkhouse	Willis

Nays—12

Bradshaw	Krueger
Crump	Martin
Gonzalez	Owen
Hardeman	Rogers
Herring	Smith
Hudson	Wood

Absent

Hazlewood	Reagan
Moore	

Absent—Excused

Secrest	Weinert
---------	---------

The Committee Amendment as amended was then adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 19 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Baker	Martin
Colson	Moffett
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Nays—3

Bradshaw	Owen
Hardeman	

Absent

Moore

Absent—Excused

Secrest	Weinert
---------	---------

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of S. B. No. 19.

Senate Bill 248 on Second Reading

On motion of Senator Bradshaw and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 248, A bill to be entitled "An Act to amend Article 2.08 of Chapter 2, of the Insurance Code (Acts of the 1951, 52nd Legislature, as amended by the Acts of the 1955, 54th Legislature, page 413, Chapter 117, Section 9) to provide that items of capital stock and minimum surplus shall consist only of cash, bonds of this state or of the United States or guaranteed as to principal and interest by the United States, insured first mortgages or unencumbered real estate in this state, provided that investment of such notes shall not exceed one-half ($\frac{1}{2}$) of the capital stock and minimum surplus of the investing company, and in evidences of indebtedness of any county, city or other municipality of this state; etc., and declaring an emergency."

The bill was read the second time.

Senator Bradshaw offered the following Committee Amendment to the bill:

Amend Item 4 of Section 1 of S. B. No. 248 to read as follows:

"4. Notes secured by first mortgages upon unencumbered real estate in this State, the title to which is valid, and the payment of which notes is insured by the United States of America or any of its agencies, provided that such investments in such notes shall not exceed one-half ($\frac{1}{2}$) of the capital stock and minimum surplus of the investing company; or ..."

The Committee Amendment was adopted.

On motion of Senator Bradshaw and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 248 on Third Reading

Senator Bradshaw moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Absent—Excused

Secrest Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Willis
Kazen	Wood
Krueger	

Absent—Excused

Secrest

Weinert

Senate Bill 122 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 122, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in Section 3 providing benefits, Section 4 prescribing benefit eligibility conditions, Section 5 providing for disqualification for benefits and by adding to Section 5 a new subsection to be known as (g) providing that an individual shall be disqualified for benefits for any benefit period with respect to which he is receiving or has received or is eligible to receive remuneration in the form of old age benefits under Title II of the Social Security Act, etc., and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following Committee Amendment to the bill:

Amend Senate Bill 122 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That subsection (b) of Section 3 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended to read as follows:

'Benefits

'Section 3.

'(b) Benefit amount for total unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-sixth (1/26) of his wages received from employment by employers during that quarter in his base period in which such wages were highest, provided that:

'(1) If such rate is not an even multiple of One Dollar (\$1.00), it shall be adjusted to the next higher multiple of One Dollar (\$1.00); and

'(2) Such rate shall not be more than Thirty-three Dollars (\$33.00) per benefit period or less than Seven Dollars (\$7.00) per benefit period.'

"Section 2. Amend Section 3 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, by adding a new subsection (e) to read as follows:

'Benefits

'Section 3.

'(e) Benefit wage credits: 'Wages as used in this Section 3 shall be as defined in subsection 19(n) of this Act, except that the \$3,000.00 limitation on wages as set out in subsection 19(n)(1) shall not be applicable for the purposes of this Section 3 to remuneration received after December 31, 1959; and it is further provided that for the purposes of this Section 3, wages received by an individual after December 31, 1959, shall include all remuneration up to a maximum of the first Forty-eight Hundred Dollars (\$4,800.00) received during a calendar year for employment, or with respect to employment, for each employer.'

"Section 3. That Section 4 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended by adding a new subsection (f) to read as follows:

'Benefit Eligibility Conditions

'Section 4. An unemployed individual shall be eligible to receive benefits with respect to any benefit period only if the Commission finds that:

'(f) Prior to the first payment of benefits following an initial claim, he has been totally or partially unemployed for a waiting period of seven (7) consecutive days. No weeks shall be counted as a waiting period week for the purpose of this subsection:

'(1) Unless he has registered at an employment office of the Commission in accordance with subsection (a) of this Section;

'(2) Unless it is a week following the filing of an initial claim;

'(3) Unless he reports at an office of the Commission and certifies that he has met the waiting period requirements herein prescribed for the preceding seven (7) days;

'(4) If benefits have been paid or are payable with respect thereto;

'(5) If the individual does not meet

the eligibility conditions of subsections (c) and (d) of this Section 4;

'(6) If the individual has been disqualified for benefits for such seven (7) day period under the provisions of subsections (a), (b), (c), or (d) of Section 5 of this Act.'

"Section 4. That subsection (e) of Section 5 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended to read as follows:

'Disqualification for Benefits

'Section 5. An individual shall be disqualified for benefits;

'(e) For any benefit period with respect to which he is receiving or has received remuneration in the form of:

'(1) Wages in lieu of notice;

'(2) Compensation for temporary partial disability, temporary total disability or total and permanent disability under the Workmen's Compensation Law of any State or under a similar law of the United States; or payment under a compromise settlement agreement of a claim therefor.'

"Section 5. That subsection (2) (A) of subsection (c) of Section 7 of the Texas Unemployment Compensation Act of Texas, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended to read as follows:

'Contributions

'Section 7(c) Experience Rating.

'(2) (A) When, with respect to any benefit year, an individual is first paid benefits, his wages received during his base period shall be termed 'benefit wages,' and shall be treated for the purposes of this subsection 7(c) as though they had been paid in the calendar quarter in which such benefits are paid. This process may be designated as charging benefit wages to an employer's account, and benefit wages thus charged may be designated as chargebacks. Benefit wages shall include only the wages from employers available for wage credits in a base period and shall not exceed Three Thousand One Hundred and Sixty-eight Dollars (\$3,168.00) for any one employee or former employee. If any employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of information which has been furnished by the claimant or on the basis

of the best information which has been obtained by the Commission, and wage credits so established shall be used as benefit wages for such employer for the purposes of this Section 7. The benefit wages of each employer for a given calendar quarter shall be the total of the benefit wages received from such employer by all of his employees or former employees with respect to such quarter; provided, that the benefit wages of an employer shall not include wages received during any given base period from such employer by an employee or former employee, whose last separation from such employer's employment, prior to the benefit year in conjunction with which such base period was established, was (i) a separation required by a Federal or a Texas statute or a Texas municipal ordinance; (ii) a separation for which a disqualification under subsection 5(a) or 5(b) of this Act would have been imposed if such employer's employment of the employee or former employee had been the employee's last work; or (iii) a separation with respect to which a disqualification was imposed under subsection 5(a) or 5(b) of this Act; and provided further that for the purpose of this paragraph the term 'last separation' shall, with respect to an employee whose initial determination disqualified him for benefits under subsection 5(d) of this Act, mean his next later separation from such employer's employment.'

"Section 6. All laws or parts of laws in conflict herewith, insofar as they do conflict herewith, are hereby repealed but such repeal shall in no way be construed as forfeiting or waiving any rights of the State of Texas or of the Texas Employment Commission which have accrued thereunder, including, without limiting or without being limited thereto, the right to collect contributions, interest or penalties that have accrued, and the right of prosecution for violation of any provision thereof; nor shall such repeal in any way be construed as forfeiting or waiving the rights of any individual to benefits which accrued thereunder, provided that the Commission's determination of the benefit year, the benefit amount for total unemployment, and the duration of benefits made with respect to an initial claim filed prior to October 1, 1959, shall be effective for the remainder of such benefit year.

"Section 7. If any word, phrase,

sentence, paragraph, subsection or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other word, phrase, sentence, paragraph, subsection or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining words, phrases, sentences, paragraphs, subsections, and sections despite such invalidity.

"Section 8. The fact that the amendments contained in this Act will improve the efficient administration of the Texas Unemployment Compensation Act, as amended, and the fact that substantial relief will result to both employers and claimants by reason of the changes permitted under this Act, create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in full force and effect on and after October 1, 1959, and it is so enacted."

The Committee Amendment was read.

Senator Kruger offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 by adding a new Section to be numbered Section 5 to read as follows and renumbering the succeeding sections appropriately:

"Section 5. That Section 5 of the Texas Unemployment Compensation Act, as amended, Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, be amended by adding a new sub-section (g) to read as follows:

"Disqualification for Benefits

"Section 5. An individual shall be disqualified for benefits:

"(g) For any benefit period with respect to which he is receiving or has received or is eligible to receive remuneration in the form of old age benefits under Title II of the Social Security Act as amended, or similar payments under any Act of Congress, or a State Legislature; provided, that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such benefit period, if otherwise eligible, benefits reduced by

the amount of such remuneration. If any such benefits, payable under this sub-section, after being reduced by the amount of such remuneration, are not an even multiple of One Dollar (\$1.00), they shall be adjusted to the next higher multiple of One Dollar (\$1.00)."

The amendment was read.

(Senator Aikin in the Chair.)

Senator Willis moved to table the amendment to the Committee Amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—6

Crump	Moore
Gonzalez	Rogers
Herring	Willis

Nays—22

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Hudson	Roberts
Kazen	Smith

Present—Not Voting

Wood

Absent—Excused

Secrest

Weinert

Question recurring on the amendment by Senator Krueger to the Committee Amendment the amendment was adopted.

Record of Votes

Senators Willis, Rogers and Owen asked to be recorded as voting "Nay" on the adoption of the above amendment to the Committee Amendment.

Senator Herring offered the following amendment to the Committee Amendment:

Amend Committee Amendment to Senate Bill 122 by deleting the present language in Section 5 thereof and substituting therefor the following:

"That subsection (c)(2)(A) of Section 7 of the Texas Unemployment Compensation Act, as amended, Ch. 482, Acts of the Forty-fourth Leg., Third Called Session, 1936, as amended, be amended so as to hereafter read as follows:

CONTRIBUTIONS

'Section 7. * * *

(c) Experience Rating: * * *

(2)(A) When, with respect to any benefit year, total benefits paid to an individual for total or partial unemployment first exceed his benefit amount for total unemployment, his wages received during his base period shall be termed "benefit wages," and shall be treated for the purposes of this subsection 7(c) as though they had been paid in the calendar quarter in which such benefits are paid. This process may be designated as charging benefit wages to an employer's account, and benefit wages thus charged may be designated as chargebacks. Benefit wages shall include only the wages from employers available for wage credits in a base period and shall not exceed Three Thousand, One Hundred and Sixty-Eight Dollars (\$3,168.00) for any one employee or former employee. If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of information which has been furnished by the claimant or on the basis of the best information which has been obtained by the Commission, and wage credits so established shall be used as benefit wages for such employer for the purposes of this Section 7. The benefit wages of each employer for a given calendar quarter shall be the total of the benefit wages received from such employer by all of his employees or former employees with respect to such quarter; provided, that the benefit wages of an employer shall not include wages received during any given base period from such employer by an employee or former employee, whose last separation from such employer's employment, prior to the benefit year in conjunction with which such base period was established, was (i) a separation required by a Federal or a Texas statute or a Texas municipal ordinance; or (ii) a separation for which a disqualifica-

tion under subsection 5(a) or 5(b) of this Act would have been imposed if such employer's employment of the employee or former employee had been the employee's last work; or (iii) a separation with respect to which a disqualification was imposed under subsection 5(a) or 5(b) of this Act; and provided further that for the purpose of this paragraph the term "last separation" shall, with respect to an employee whose initial determination disqualified him for benefits under subsection 5(d) of this Act, mean his next later separation from such employer's employment."

The amendment was read.

Question—Shall the amendment by

Senator Herring to the Committee Amendment to S. B. No. 122 be adopted?

Local and Uncontested Bills Session

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold a session for consideration of a Local and Uncontested Bills Calendar on Wednesday, April 1, 1959, at 9:30 o'clock a.m.

Recess

On motion of Senator Hardeman the Senate at 4:15 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.

In Memory of
Honorable Sam Kneisley Hocker

Senator Aikin offered the following resolution:

(Senate Resolution 264)

Whereas, God, in His infinite wisdom, did on the 25th day of February, 1959, call from his earthly labors, Honorable Sam Kneisley Hocker; and

Whereas, He was born in Clarksville, Red River County, Texas, November 16, 1902, son of Sam T. and Emma Kneisley Hocker, and spent most of his life there; and

Whereas, He attended Bingham Military School, Asheville, North Carolina; the University of Texas and graduated from the School of Law, Vanderbilt University. For a time, he was connected with the legal department of The Texas Company in New York, after which he practiced law in San Antonio, serving as assistant city attorney. Upon his return to Clarksville, he became engaged in farming and ranching; and

Whereas, He served his country in World War II, being discharged from the Navy with the rank of lieutenant after three years of active duty; was a member of McKenzie Memorial Methodist Church and a 32nd degree Mason; and

Whereas, In April, 1941, he was married to Miss Mary Ann Lennox of Clarksville, who survives him, along with one son, Sam Lennox Hocker; now, therefore, be it

Resolved, That we express our deep sympathy to Mrs. Hocker, his son, Sam Lennox Hocker, and the other members of his family, and that when the Senate adjourns today it do so in honor and respect to the memory of Honorable Sam Kneisley Hocker and that copies of this resolution be sent to each member of his family.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mrs. Ben H. Rice

Senator Herring offered the following resolution:

(Senate Resolution 265)

Whereas, In the passing of Mrs. Ben H. Rice, on the twentieth day of February, 1959, the City of Austin lost a most beloved citizen; and

Whereas, Mrs. Rice was the former Miss Mary Carter and was born in Cameron, Texas, on June 8, 1865, and received her education in private schools in Kentucky and the Stewart Seminary in Austin, Texas; and

Whereas, She was the widow of a distinguished jurist, Judge Benjamin Herbert Rice, who was appointed to the Court of Civil Appeals in 1907; and

Whereas, Mrs. Rice was keenly interested in the affairs of her community and a devout member of the University Methodist Church; and

Whereas, Mrs. Rice was a devoted mother whose wisdom in the rearing of her children is reflected in the useful and successful lives of her four daughters and three sons; and

Whereas, She was a gracious and charming lady of great character and will be long remembered by the many people who were privileged to know her; and

Whereas, She is survived by her daughters, Mrs. A. P. Brogan of Dallas, Mrs. Stanley Finch, Miss Mary Carter Rice, and Mrs. Elizabeth Rice Finks of Austin; her sons, Federal District Judge Ben H. Rice, Jr., and J. Percival Rice of Dallas, and James W. Rice of Austin; her sister, Mrs. J. W. Bartlett of Marlin; and eleven grandchildren and eighteen great-grandchildren; and

Whereas, It is the desire of the Senate of the Fifty-sixth Legislature of the State of Texas to pay tribute to the memory of Mrs. Ben H. Rice; now, therefore, be it

Resolved, That when the Senate adjourns today it do so in her memory and that a page in the permanent Journal of the Senate be set aside as a memorial to her; and be it further

Resolved, That an enrolled copy of this resolution be sent to every member of her family as a token of sympathy and respect.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Marvin D. Evans

Senator Willis offered the following resolution:

(Senate Resolution 266)

Whereas, The death of Mr. Marvin D. Evans of Tarrant County, Texas, marks the passing of a devoted civic leader and churchman; and

Whereas, He faithfully served his community and fellowman in positions of leadership and responsibility for more than half a century. He gave unselfishly of his time and talents, indeed his very life, to the service of his Church, State and Society for the uplift of mankind in keeping with his personal philosophy of life; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this distinguished citizen and community benefactor; now, therefore, be it

Resolved, by the Senate of Texas, That we extend our sincere sympathy to the family of Mr. Marvin D. Evans; that a copy of this resolution be sent to each member of his family; that a page in the Senate Journal be set aside in his memory; and that when the Senate adjourns today, it do so in memory and honor of Mr. Marvin D. Evans.

WILLIS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Wood.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.